

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CALVIN BURKE,

Petitioner,

v.

No. 3:13-cv-00449-DRH-PMF

RICHARD HARRINGTON,

Respondent.

ORDER

HERNDON, Chief Judge:


On May 10, 2013, Burke filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1). Petitioner challenges the revocation of his mandatory supervised release (“MSR”). As of July 22, 2013, his MSR has been completely discharged. Respondent filed a motion to dismiss the claim as moot (Doc. 17). Petitioner failed to respond. On October 11, 2013, United States Magistrate Judge Philip M. Frazier submitted a Report and Recommendation (“the Report”) recommending that the Court grant respondent’s motion to dismiss and deny petitioner’s § 2254 petition.

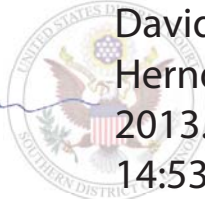
On October 15, 2013, the Report was sent to the parties with a notice informing them of their right to file objections within fourteen days of service. Neither party filed timely objections to the Report. Thus, pursuant to 28 U.S.C. § 636(b), this Court need not conduct a *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). In reviewing the unobjected to Report for clear error, the Court is satisfied that Magistrate Judge Frazier’s recommendation is correct. *See*

Johnson v. Zema Sys. Corp., 170 F.3d 734, 739 (7th Cir. 1999). Accordingly, the Court **ADOPTS** the Report (Doc. 20) in its entirety. Respondent's motion to dismiss (Doc. 17) is hereby **GRANTED** and petitioner's § 2254 petition is **DENIED** as moot. The Court **DISMISSES** petitioner's claim **without prejudice**.

IT IS SO ORDERED.

Singed this 6th day of November, 2013.

 David R.
Herndon
2013.11.06
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Chief Judge
United States District Court